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Whereas, according to his testimony before said Lusk committee, he came to this country as a German citizen and is a member of the Communist Party, pledged to overthrow capitalistic systems of government the world over; and

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Whereas said Martens, according to his said testimony, regards this Government as a capitalistic government: Now, therefore, be it

Resolved, That the Committee on Foreign Relations is hereby authorized directed, through the full committee or through any subcommittee thereof investigate as speedily as possible the status of said Martens; what alleged government or power in Europe he represents; what, if any, recognition of any kind has been accorded him by this Government; whether or not he is an alien enemy; what propaganda, if any, he is carrying on for the overthrow of governments; and all facts and circumstances relating to his activities in this country and his alleged diplomatic representation, and all facts relative to the activities of any other party, parties, or organization bearing upon or relating to Russian propaganda in this country, and make report to the Senate of such findings.

The said committee is hereby empowered to sit and act at such time and place as it may deem necessary; to require, by subpoena or otherwise, the attendance of witnesses, the production of books, papers, and documents; to employ stenographers at a cost not exceeding \$1 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses. Subpoenas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

The expense thereof shall be paid from the contingent fund of the Senate, on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Contingent Expenses.

The subcommittee held its first meeting January 12, and continued its sessions from time to time until March 29, when the hearings were formally declared closed. It was the constant purpose of the subcommittee to restrict the inquiry to the narrow lines set for it by the resolution above cited, and this effort was measurably successful, although, as is natural in cases where counsel appear—Martens being represented by former Senator Thomas W. Hardwick, of Georgia—much matter of a controversial or argumentative nature will be found in the record.

Inasmuch as the major line of inquiry under the resolution dealt with the subject of Martens's activities in this country, the committee deemed Martens himself to be the most competent source of information. Accordingly, he was the chief and almost the only witness to be heard, and his examination was developed naturally along the lines of his own admissions and from documentary assistance, which in substantially every case was fully authenticated before being made use of.

The rights of Martens were fully protected not only through the presence of his counsel, who sat with him from the beginning of the inquiry to the end, whereas four sessions of the committee were held before suitable counsel could be obtained for it; and he was permitted at the outset to state his case from prepared manuscript with the utmost vigor of expression and with only slight interruption or interrogatory. The committee deems this statement essential by reason of Martens's protest in the closing days of the inquiry that he had not been permitted to make suitable explanatory replies to the inquiry to which he had been subjected. On this point the record will speak for itself.

The committee finds itself unable to reconcile the self-evident contradiction in much of Martens's testimony. He is a thorough lin-

guist, he was aided by able counsel, and his previous examination by a joint committee of the Assembly of the State of New York had fortified him for the line of inquiry which was pursued here. In consequence, it is unnecessary to go beyond the record to sustain the findings of the committee further than to point out certain inevitable and wholly warrantable deductions.

Following seriatim the items of inquiry enumerated in the resolution of the Senate, the status of Martens is disclosed by the testimony under several heads:

(1) What alleged Government or power in Europe does he represent?

His credentials (p. 14) were issued by the "People's Commissariat of Foreign Affairs" of the "Russian Socialist Federated Soviet Republic," from Moscow, under date of January 2, 1919. They were signed by G. Chichearin, "People's Commissar for Foreign Affairs," and were sealed with the official seal of the commissariat. This Government, as was brought out in the course of the testimony (p. 23), was set up in November, 1917, by a counter-revolution to the movements of March in that year, which had accomplished the overthrow of the dynasty and government of the Romanoff Czars. This republic operates under a constitution, by the terms of which (p. 160) "all property rights in the land, treasures of the earth, water, forest, and fundamental natural resources within its boundaries are abolished"; which confirms "the transfer of all banks into the ownership" of the Government; by which there "pass over without indemnification to the disposition * * * of the county, provincial, regional, and Federal soviets," all private live stock and inventoried property of nonlaboring homesteads; and under which "private merchants, trade and commercial brokers" (p. 162); "monks and clergy of all denominations" (p. 194), and in general all persons who do not "perform useful, social functions" (p. 163), have no right either to vote or to be voted for.

For instance (p. 39) Martens explained that a man who owns a farm in Russia and who leases it to another may not vote or be voted for. Under this constitution all banks were converted into a state monopoly (p. 168), and holdings of bonds in excess of 10,000 rubles were confiscated (p. 169); these confiscations having taken place prior to the adoption of the constitution and were confirmed by that instrument. Under this constitution no Russian is permitted to invest his capital or to ship it out of the country or to receive interest upon it (p. 173). This constitution also provides for the disarming of the property classes, the arming of "all toilers" and the organization of "a Socialist red army" (p. 164). Under this constitution, in an election, the records are received by a Soviet (p. 200) which appoints a commission of verification; which in turn reports back to the Soviet and the Soviet "decides the question when there is a doubt as to which candidate is elected." By this means deputies are elected to "the All-Russian Congress of Soviets" and by this congress the prime minister is chosen, to hold office during the pleasure of his electorates (p. 200).

From this government Martens took his letters of credence as above stated; and there were later supplemented, under day of May

25, 1919 (p. 14). by a further certificate signed by Chicherin and addressed "To whom it may concern," in which Martens was given certain authorization to take over and administer all property in America "belonging to the Russian Federative Socialist Soviet Republic" and to exercise further functions cognate to those of a diplomatic or consular representative.

Aside from his own declarations the committee found no means to ascertain Martens's real mission in the United States. His letters of credence and documents supplementary thereto were not in a form to warrant his assumption of diplomatic privilege. They were not indeed even in the form attaching to the commission upon which a consular officer receives his exequatur. The policy which he adopted in pursuance of his authorization as he interpreted it was equally unique and nebulous. For example, he protested throughout the entire course of his examination that his sole purpose in this country was to establish and develop cordial relations between Soviet Russia and the United States, especially through the building up of commercial intercourse. In support of this purpose he declared that he had attempted to enter into contractual relations with many American enterprises to whom he offered contracts for tools, machinery, clothing, etc., to be sent to Russia. These proffers, however, proved to be wholly tentative; and the form of contract which he employed in the few instances where such engagements were executed was wholly unilateral and the burden not only of supplying the wares in question, but of securing their shipment to Soviet Russia, was placed entirely upon the producer and no earnest money was ever deposited in a single instance; while the American contractor by one means or another was led to bring pressure upon the Government of the United States for the purpose of forcing either a *modus vivendi* with or an actual recognition of the Russian Soviet Government. To the committee, therefore, the conclusion is inescapable that the entire fabric of trade negotiations which Martens unrolled was part of an ingenious scheme of propaganda to create sympathy, based upon cupidity, for the Russian Soviets and to produce by indirect means the admission of Soviet Russia into the companionship of international relations which other means had failed to secure.

The next inquiry suggested by the resolution of the Senate: "What if any recognition of any kind has been accorded him by this Government?"

It has been observed that neither Martens's original letter of credence nor the supplementary certificate was in the usual form of diplomatic credentials; and in fact he testified (p. 36) that he is not familiar with the ordinary manner of diplomatic procedure, but that he knows of no reason why the usual form of such communications should have been departed from in his case. He testified that he filed his letter of credence with the Department of State on the 19th of March, 1919, accompanying it with a memorandum (p. 23) "dealing with the intentions of the Government of Russia, as well as with the internal affairs of that country." He had other communications with the State Department (p. 27); but to none of them was any reply vouchsafed. He never presented himself in person at the State Department (p. 89) or sought the usual audience with the Secretary of State, which is customary for diplomatic representa-

tives; and he "totally abandoned all efforts to secure personal recognition" (p. 81) after having sent his letter of credence to the department by mail.

He testified (p. 89) that "he was still trying to get recognition"; but that no official representatives had ever been sent by him to the State Department (p. 90). Unofficial representatives had conversations with officials at the State Department, including the Under-secretary of State, and from these Martens received oral reports.

Protesting constantly that his sole purpose in the United States was to develop trade relations between this country and Soviet Russia, and testifying (p. 91) that he had never communicated in any manner with the War Trade Board or with any other department of the Government, he asserted, however, that certain American industrial companies with whom he sought to make contracts had communicated with the President (p. 135), and with the Attorney General (p. 75), with a view to securing a change in the policy of this Government toward the Soviet Government to the end of opening up trade relations.

He made no effort to claim for himself or for any member of his staff, any of the usual privileges accorded a diplomatic officer (p. 43) such as to bring any household effects without payment of customs, etc.; and he never asserted his diplomatic quality (p. 43) until he was summoned for examination before the so-called Lusk committee of the Assembly of the State of New York.

In fact, his appointment as representative of the Soviet Government appears to have been shrouded in some mystery. He testified (p. 100) that he had had no knowledge concerning his designation prior to receiving his appointment and that his credentials were brought to him by a courier. It appeared from documentary evidence, however (p. 308), that a bureau had been organized in the city of New York for the purpose of establishing communications with Russia, the membership of this bureau embracing eight persons, among whom were Martens himself, Santeri Nuorteva, who was secretary of the Martens bureau, Gregory Weinstein, who was Martens's personal secretary, and a Prof. Lomonosoff, who, having been earlier connected with the regularly accredited Russian embassy in this country, later cast in his allegiance with the soviet government and with Martens's bureau. According to this evidence (p. 309), it was at first proposed that Weinstein should become the Soviet representative in the United States; but a question regarding Weinstein's integrity having arisen and two weeks' time being allotted to him to clear himself, at the expiration of this period Weinstein came before the committee with the information that Martens had received the appointment. The discrepancy between this evidence and Martens's assertion that the first intimation of his appointment had come when the courier handed him his credentials is apparent. But in whatever manner his appointment was brought about, it is wholly clear that he received no recognition, even personally, from the Government of the United States.

His communications to and from his Government, or its representatives, were almost invariably carried by couriers—whose names were withheld from the committee and whose travels, it is fair to assume, were facilitated by spurious passports or otherwise in direct

violation of the statutes covering foreign intercourse during the period of Martens's supposed representation here. These couriers brought to him not only letters, instructions, and other written communications, but also brought in large sums of money in the aggregate at least \$150,000 in violation of the trading with the enemy act, and of other statutory and regulatory restrictions. These couriers, in the number of about 20, he testified, comprised both American citizens and foreign subjects.

The inquiry whether or not Martens is an alien enemy, which the resolution of the Senate directs, brought out that Martens was born at Bachmut, in the Province of Ekaterinoslav, in Russia, in 1874, and that his parents were German subjects. His birth was registered in Russia as of German parentage and he was educated in Russia as an engineer, following that profession until 1899, when, after having spent three years in prison for revolutionary activities (pp. 7 and 8), he was deported by the Russian authorities to Germany, where he was held as a German subject to the military service which the German Government required. In 1906, Martens took up residence in England, where he remained for 10 years (p. 10). Until the beginning of the war in 1914, no occasion arose in England for the determination of his citizenship; but in October of that year (p. 11) a registration, in most cases accompanied by internment, of German subjects, was set on foot. Martens then registered as a German subject, "as a purely technical matter," according to this testimony (p. 11), alleging that to be the reason why he was not interned. Following his decision to come to America, permission to make the journey was accorded by the British inspector under the alien act, and Martens and his wife came to the United States on the 2d of January, 1916 (p. 11), and, upon landing at New York, he declared himself to be a German subject (p. 11), making the regular declaration under oath. He contended before the committee, however, that he did this solely because of the British permit which he carried and which identified him as a German subject.

Upon the issuance, December 31, 1917, of the rules and regulations for the registration of German enemy aliens in the United States, Martens did not so register: basing his claim (pp. 18-19) upon the assertion that he had been made a Russian citizen by virtue of a decree of the provisional government of Prince Lvov. This citizenship, he testified (p. 19), was procured for him by an application made by his relatives in Russia without special authority from him and with no formal paper from him in any manner. He was unable to furnish any copy of this decree (p. 20), though he declared (p. 20) that a document to this effect was issued to him, given into the possession of his sister in Russia and that she dispatched it to him by mail. This information, he declared (p. 20), came to him in a letter from his sister, but he was unable to produce the letter in question. He expressed the belief (p. 17) that the letter containing his certificate of citizenship had been seized by the British censor of mails, but from the American embassy in London came information that no such letter had ever come into the possession of the British censor.

Martens's citizenship has been called in question more than once. By his own testimony (p. 15) he applied for Russian citizenship, which was refused on the ground (p. 16) that he had not performed

his military duty in Germany. He insisted throughout that his German citizenship was merely "technical"; but he further testified (p. 17) that his German citizenship sufficed to bar him from the amnesty proclaimed against political offenders in Russia upon the overthrow of the Czar's Government, and it became necessary for him to obtain Russian citizenship by other means. He evidently was in a privileged class in this respect for he testified (p. 19) that there were exceptional circumstances applying to his case and that another, not as well known as he, could not be given citizenship without formal application. In this connection it may be worth knowing that the letter from Martens's sister, which constitutes the only written evidence he ever received touching the application and decree involved in his assumption of Russian citizenship, was not deemed of sufficient importance to have been kept by him with his official papers, and in consequence it could not be produced in evidence (p. 31).

In view of the fact that Martens refused to disclose the names of any of his couriers it is impossible to say whether those whom he described as American citizens also owed allegiance to the Russian Soviet Government, where citizenship is procured in so shadowy a manner that it might be possible for one, either native born or naturalized in America and in consequence exercising suffrage and other functions of citizenship here, to be at the same time a citizen of Soviet Russia, whose only prerequisite for citizenship as shown by the testimony is an application, which may be made in absentia, accompanied by a declaration that the applicant is an honest man. In any event these couriers, whether American citizens or not, shared with Martens the responsibility for the repeated violation of American statutes which their actions involved.

It is perhaps questionable whether those who have associated with Martens in this country, and who have been paid by him for any services, have also been guilty of violation of the law; although in this connection reference may be had to those sections of the penal code which will be found in the record.

In the absence of evidence other than that of Martens's own assertion, unsupported except by his presumed letter of credence—which, it may be observed, issued from a government which the United States does not recognize—the normal international relations to which the United States has constantly adhered would continue to place him as a German subject and hence as an enemy alien.

In seeking to determine what propaganda, if any, he is carrying on for the overthrow of governments, as directed by the resolution of the Senate, the testimony is somewhat complicated. It is evident from the constitution of the Government which he affects to represent (p. 165) that the "fundamental problem" of Soviet Russia is to bring about "the victory of socialism in all lands." In this motive Martens admitted (p. 166) the United States is "absolutely" included. There were also adduced in evidence two letters, copies of which were furnished by Martens himself, purporting to have been addressed by Nicholas Lenin, prime minister of Soviet Russia, to American workingmen. The first of these letters (p. 111), dated August 20, 1918, counted "on the inevitability of the international revolution" (p. 116), while the second, dated January 21, 1919, laid emphasis (p. 117) on the tremendous rapidity with which "the

workers in various countries have gone over to communism and bolshevism," and boasted (p. 120) "that the soviet power is great and spreading, growing and establishing itself all over the world." These documents, the authenticity of which Martens admitted (p. 121), were justified by him—the earlier appeal on the ground that this was necessary counterpropaganda against the activities which, as he asserted, the so-called Creel committee had carried on in Soviet Russia (p. 122). He pointed out that this letter was written prior to his appointment as Soviet representative in this country. But the second letter, dated January 21, 1919, and also offered by himself in evidence (p. 117), was written some three weeks after Martens's appointment, and he justified it (p. 179) upon the ground that American troops were in Russia opposing Bolsheviks, though he qualified this justification by declaring (p. 180) that propaganda of this character a few months later would have no justification.

It appeared, however, that even at this time when, as he contended, propaganda of this character would be unjustifiable there met in Moscow the so-called Third Internationale, which is the parent body of all Communist organizations and, in fact, its international court of last resort. From this body issued a manifesto, signed, among others, by Nicholas Lenin, the soviet prime minister, and by Leon Trotski, the soviet minister of war, who are the ruling spirits in the Soviet Government. It is addressed "to the proletariat of all lands," and purports to contain (p. 182) "the authentic direct message from the conquering proletariat of great Russia to the toiling masses of the world"; it pictures "alongside the dethroned dynasties of the Romanoffs, Hohenzollerns, and Hapsburgs and the capitalistic cliques of these lands the rulers of France, England, Italy, and the United States * * * revealed in the light of unfolding events and diplomatic disclosures in their immeasurable vileness."

With these sentiments (p. 183) Martens said that he agreed; and (p. 185) in an article signed by him and published in the New York Call on Thursday, May 1, 1919, he declared that "the attitude of the workers of the world toward the Russian workers' revolution has proved that the spirit of international solidarity of the workers is not dead. It is resurrecting in the Third Internationale a new glory," and he concluded his article with the exclamation, "Long live the Third Internationale!" He later (p. 185) testified that he approved of the Third Internationale and its principles. It also appeared (p. 187) that the Russian Soviet Government by a decree issued in December, 1917, appropriated 2,000,000 rubles "for the needs of the revolutionary international movement for the disposition of the foreign representatives of the commissariat for foreign affairs." Martens himself, by the prima facie evidence of his own letter of credence, is such a representative; and this appropriation of money for the purpose of propaganda in foreign lands he justified (p. 189) on the ground that at this time "Russia was in the throes of a revolution and civil war and was attacked by all governments."

He added that he supposed the amount thus allocated was much more than 2,000,000 rubles. He declared that the bureau through which this money was to be expended has now passed out of existence, but admitted that his information on this point was gained

through the Russian newspapers (p. 190). In this connection it was developed that a report alleged to have been sent by Martens to Frederick Strom (p. 191), the soviet representative at Stockholm, spoke of Martens's agents being "busy in the western States and in Canada where they are * * * creating secret committees for propaganda and becoming acquainted with professional organizations and local press," and that "American workers' associations are passionately interested in the state of Russia and they are becoming more and more firm in the creed that nothing but bolshevism could advance the proletariat." Martens admitted to have sent many communications by courier to Strom; but he denied that any report of this character was among them.

In line with the foregoing it may be significant that Martens, in his closing words of testimony before the committee, testified that "it would be an improvement to have the Soviet Government here;" and that he "would call that revolution."

It further appeared (p. 208) that a newspaper published in Petrograd in the interest of the trade-unions of that city, and known as the Trud, on November 10, 1919, published an article declaring that soon "the victory of the proletarian dictatorship in the whole world will be guaranteed," that "with the proletarians of all countries an agreement would be reached without any diplomats. But with you, Messrs. Imperialists, we shall carry on conversations just as you do with us—behind every word force; behind every condition force; behind every demand force." In commenting upon this Martens testified that he did not believe "in force as such," but that he did believe in it "if necessary."

Martens admitted (p. 239) that he has been a revolutionist for 25 years, and in every country where he has ever lived; that he was a revolutionist when he came to the United States; and that he is a revolutionist now.

In his revolutionary character Martens was evidently well known. In the issue of the Class Struggle for May, 1919, in a comment upon his appointment as soviet representative in this country, Martens was thus described:

Comrade Martens is a well-known figure among Russian socialists. * * * While a student he became interested in the revolutionary socialist movement and became allied with a group of revolutionists among whom Lenin was one of the most active members. Shortly after his matriculation he was imprisoned for revolutionary propaganda and spent three years in the prisons of the Czar. Later he was banished and carried on his activities in the various countries of Europe. About three years ago he came to this country. Here he was employed as the American representative of the great Demidow steel works of Russia. He combines, therefore, a knowledge of business affairs with an impeccable record as a socialist and revolutionist, a combination that will make him an ideal representative of revolutionary Russia during the trying and difficult time of international economic reconstruction that lies before us.

From this background Martens emerged into his diplomatic quality; and it is fair to remark that if his conduct in that capacity has been as simple as he asserts, it is a reversal of form equally complete and gratifying. But it is difficult to believe that a man with Martens's previous record, involving a lifetime of revolutionary activities and with his declared quality of a revolutionist, now as always, could have suddenly changed his entire method of life through the simple talismanic influence of an appointment as diplo-

matic representative; and while, on the face of the record, his utterances and his personal activities—shaped doubtless by competent advice, as well as by his own previous experience—bore superficial evidence of a determination to act correctly, the whole collateral deduction must be that his concealed course was in line with that which he had hitherto pursued, namely, of hostility to the existing order wherever he has found himself.

Even, however, if it should be conceded that his constant association with organizations of foreign origin and of a purpose hostile to the Government of the United States had been thrust upon him by the nature of his mission here, there is no justification for the detached and indifferent attitude which he manifested toward revolutionary, inflammatory, and even anarchistic utterances of his associates on the public platform and elsewhere. His constant asseveration that these episodes had nothing to do with him, were none of his business, and that he was too busy to allow them to find lodgment in his mind contrasts strangely with the solicitous haste manifested by his letter to Emma Goldman; and it is wholly proper to conclude that his knowledge of events was equally complete in all cases and that his action, or nonaction, in each was gauged by his own sense or sentiment as to how a given course of conduct would affect either his personal standing here, or his ultimate purpose in this country.

As indicating the difficulty of separating Martens and his activities from propaganda carried on for the purpose of replacing the existing Government of the United States with sovietism, it is instructive to note (p. 52) his emphatic testimony that he never "attempted in any way to have the people of this country advocate a soviet form of government"; that he was not connected directly or indirectly with any organization or association which advocated sovietism in this country; and that he had never given support, either moral or financial, to such an organization. This testimony, however, was followed immediately by an admission (p. 52) that he was "very often in touch with these organizations" and that "on several occasions" he "accepted their invitations and spoke about Russia, but never in regard to the internal affairs of the United States." These speeches, he testified (p. 53) were fully reported in the New York Call, yet in connection with speeches made by others, and likewise reported in the New York Call, he protested vehemently that they were incorrectly reported (p. 24). This leads to the suggestion that Martens possibly occupied a privileged position in the columns of the New York Call such as he testified attended him when he sought to obtain Russian citizenship.

Referring to the secret activities of Martens it will be noted from the testimony (pp. 212, 220, and elsewhere) that he denied all knowledge or relationship with the Russian Socialist Federation, except in so far as the evidence presented by counsel for the committee compelled qualifications in reply to interrogations. For example, the telegram addressed to the convention of the Russian Socialist Federation in Detroit (p. 284) is documentary refutation of the witness's statement that he never gave, directly or indirectly, moral support to an organization which advocated a soviet form of government in the United States. The record shows (p. 251) that in spite of repeated denials on the part of the witness he was regarded by his most

important assistant, Mr. Nuorteva, and his friend, Dr. Mislig, treasurer of the Russian federation, as an actual member of the association. This association, be it noted, not only advocates a soviet form of government but is organizing for the purpose of overthrowing the present form of government under which we live by force and violence. Martens denied explicitly (p. 281) that he had engaged in secret political activity, yet when confronted with the minutes of the secret convention held by the Russian Socialist Federation in Detroit in August, 1919, he was compelled to admit making a speech before the delegates. On at least two other occasions also he had tried to reach a basis of cooperation in conference with the executive committee of the association. In this connection attention should be directed to the unusual admission by the witness (p. 318) that not one of the 10 or 12 men who attended the executive committee's meetings arose in the convention to substantiate his account of the proceedings before the committee, and nobody denied the statement of Gurin regarding the affair except himself. In other words, Martens by his own testimony admits that all the testimony as to these occurrences is directly against his sole contention.

Reports of the public meetings he testified (p. 58) were sent by him to his Government: and he testified further that he had knowledge of the "parties or organizations interested in this kind of propaganda," and that his reports to his Government dealt with "the sympathies expressed by the different political parties." He informed his Government as to the character of speeches made by him at these meetings, and as to the character of speeches made by other speakers (p. 58), accompanying his report by newspaper clippings containing printed accounts of the meetings. Yet when questioned regarding some of the speeches which were made in his presence at these meetings and which are readily classified as inflammatory, revolutionary, and anarchistic, he declared that he paid no attention to them and did not know what they contained—though he was equally positive in his assertions that these speeches had been incorrectly reported.

In pursuing the inquiry, directed by the resolution of the Senate, into his activities in this country, the testimony developed that, without waiting for recognition on the part of the Government to which he assumed to be accredited, Martens established himself and his bureau in offices in the city of New York (p. 40); and that he made a demand upon Boris Bakhmeteff, Russian ambassador in this country, for the delivery to him of all property, moneys, credits, furniture, archives, papers, etc., in his possession (p. 32). This demand was not complied with; and Martens proceeded to the organization of his general offices, where he employed a staff of some 35 people, among whom were 13 American citizens—two of whom, Kenneth Durrant and Wilfred R. Humphreys, had been connected with the so-called Creel bureau, officially known as the Committee on Public Information of the American Government (pp. 41-43). Martens's bureau was maintained at an expense of about \$2,500 a week (p. 45), which was met by funds transmitted "mainly by couriers from Russia" (p. 44) for whom no diplomatic immunity was asked, whose names were refused by Martens when they were demanded by the committee, and who traveled clandestinely so far as any evidence permits a deduction.

The carefully planned innocuousness of Martens's public activities here do not extend, however, to some of the more intimate and necessary procedure growing out of his position. It is evident that he regarded customary and legitimate means of communication as unsuited to his purposes. So far as can be learned, it is only within the past few weeks that he made use of the cable to communicate with his Government or its representatives on neutral European soil: and the ordinary course of the mail was apparently never utilized by him.

In connection with his bureau Martens published a weekly newspaper known as *Soviet Russia*, which has a circulation of from 15,000 to 30,000, about one-half of this number going to subscribers, some 2,000 being "sent without charge to public men in the country," and the balance distributed by news agencies (p. 57). He also contemplated opening a technical school for Russians purposing to return to their country (p. 57), but this plan was never consummated. He proposed "to call a technical conference of those who desired to help Soviet Russia" and for this purpose registered over 20,000 people. This registration took place not only at the office of the soviet bureau in West Fortieth Street, in New York City, but also at the Rand School, where some form of branch office was maintained (p. 345). A questionnaire was furnished to each registrant, and in its original form a registrant was asked if he preferred "to remain in America to work with the Soviet Government" (p. 347). Martens adduced no adequate explanation of what this "work with the Soviet Government" in this country would comprise.

Martens himself appeared to have had very little to do with the practical management of his bureau. He seems to have been something on the order of a show figure, and he frequently responded in tactful terms of gratitude to letters and resolutions of greeting which were sent to him by numerous organizations of a socialist nature, both American and Russian in their membership. One of these letters of greeting presented in evidence (p. 279) came from the Socialist Party of the eighth assembly district of New York, in which the members of this organization pledged themselves "to work unceasingly for the propagation of those principles and policies and tactics that will aid directly in the establishment of a socialistic federated soviet republic in America." Against such sentiments Martens testified (p. 280) he did not protest, saying that he regarded this as none of his concern, and adding that he did not regard it as a crime "to propagate the soviet idea in the United States" (p. 281).

Prominent among Martens's activities was his attendance upon public meetings generally held under the auspices of some of the numerous branches of the Socialist Party. One such (p. 215) was addressed by Gregory Weinstein, who was reported in the newspapers to have said "we have come here to tell Comrade Martens that we intend to prepare to take over this great country just as the working class has taken over Russia." Another held April 1, 1919, presided over by Nicholas Hourwich, a near relative of whom later became the head of a department in the Martens Soviet Bureau, and who was quoted in the *New York Call* as having said in his opening address that "the left wing proposed to bring bolshevism to America" (p. 218). Martens declared that he did not remember having heard either of these declarations, that he made no protest about it

at any rate, that he is a Bolshevik, that he "would be very glad to see America bolshevistic" and that "any means which would produce this condition would be justified" (p. 218). At this same meeting one Louis Baske, editor of a Hungarian newspaper published in New York, also spoke and declared "there is only one way to help the Hungarian and Russian Soviet Governments. That is to revolutionize America" (p. 219). Martens testified that he did not remember hearing this statement and that he would not have felt himself called upon to disavow it if he had heard it (p. 219). Numerous other meetings of like nature were held, and the list of the speakers who participated in them bristles with the names of men who were under either indictment or sentence for violation of the laws of the United States or who have since enjoyed such notoriety or who have become fugitives from justice. Two of these gentry, it is probably worth noting, were harbored by Martens following their trial and sentence for sedition in New Jersey, and were given a place upon the pay roll of his bureau (p. 245).

The Weinstein meeting above referred to was a subject of controversy in the testimony which the committee brought out. Martens himself asserted (p. 269) that Weinstein—and also Hourwich—were "reported wrongly," although, as above cited, he had at first denied having any recollection of what they said. A reporter for the New York Sun, who was present at the Weinstein meeting, testified (p. 394) that he saw both Weinstein and Martens sitting close together on the stage at this meeting, and that he heard Weinstein make the declaration of their intention to take over America as the working class has taken over Russia; that Martens made no reference or protest to these statements though he spoke after Weinstein had uttered them; and it was testified further (p. 395) that the audience "applauded wildly, stamped, and cheered * * * whenever the Soviet Government of Russia was mentioned" and that "they always hissed when reference was made to the United States Government." It is proper to state, however, that Martens, though he had previously testified that he remembered nothing about Weinstein's speech, later asserted that Weinstein had spoken at this meeting in the Russian language.

Martens testified (p. 269) that he paid no attention to the publication in the press of inflammatory speeches "published wrongly," as he declared, in reports of meetings which he attended, explaining that "it was absolutely physically impossible" for him to do so. But he appears (p. 269)—possibly because he was then in hiding from the process of the Lusk committee—to have had leisure to observe reports which were published to the effect that he had "bitterly insulted" Emma Goldman when she was undergoing trial and sentence for deportation; and, on December 15, 1919 (p. 271), wrote to Emma Goldman, then at Ellis Island under sentence of deportation, saying that he had not the pleasure of her acquaintance, but that he sympathized with her for the "insults" to which she had been subjected in this country and, on behalf of Soviet Russia, offered her asylum as a political refugee.

The impropriety of Martens's persistent public appearance at meetings held under the auspices of organized partisan groups, and where his speaking companions were so frequently selected from

men under surveillance, indictment, or sentence for their seditious and anarchistic activities, is plainly manifest. Had he been regularly accredited in the ambassadorial quality which he affects, such conduct would have secured for him the speedy severance of his personal relations with this Government, the immediate tender of his passports, and his prompt departure from the country. That he has greatly impaired, if not wholly destroyed, his diplomatic usefulness by such a course seems wholly clear; and even if the recognition which he has sought to bring about for his Government could now be obtained, it is wholly improbable that Martens would be held by the executive department to be a suitable representative.

The resolution of the Senate further directed the committee to investigate "all facts relative to the activities of any party, parties, or organizations bearing upon or relating to Russian propaganda in this country."

The natural source of inquiry under this head is the diplomatic establishment maintained here under the title of the Russian embassy, whose head is Boris Bakhmeteff, and who has been recognized under such quality since his accrediting to this Government, and who, by a certificate of the State Department, still enjoys the privileges and immunities which accompany such recognition.

In consequence, both he and his staff were not subject to the process of the committee; and recourse was had to the Department of State, which furnished full documentary evidence dealing with the disposition of moneys which had been advanced to earlier Russian Governments from the Treasury of the United States, and with which purchases of war and industrial materials had been made in this country. In this connection Martens, in his testimony, had given the committee to understand that a misappropriation of American money had taken place. His testimony on this point, however, was of a most cursory and hearsay nature; and the documents furnished by the State Department and contained in the record provide a complete accounting for all these moneys and materials purchased therewith. From these documents it appears, also, that the maintenance of the recognized Russian Embassy in this country and the carrying on of its related activities are provided for by funds accruing from a loan privately negotiated in this country and in England.

Other organizations more or less sentimental in character were also found to exist in this country for the carrying on of activities in opposition to the soviet régime in Russia; but in most cases they were discovered to have only nominal or "paper" existence, and the committee deemed it unprofitable to pursue this line of inquiry.

In sum the committee finds in obedience to the instructions of the resolution of the Senate that—

(1) Martens has no status whatever in this country in any diplomatic or other governmental representative quality.

(2) Martens assumes to represent the Russian Federated Soviet Republic—a régime established in Russia by revolution and functioning under a constitution which has been above summarized; a régime which has never been recognized by the Government of the United States and which in international law has no standing as a constituted authority.

(3) Martens has received no recognition officially or even personally by the Government of the United States.

(4) Martens, by the accepted practice of this Government in all its treaty or other international obligations and usages, is a German subject, and in consequence an alien enemy.

(5) Martens's propaganda in this country for the overthrow of governments is established by his own testimony, as shown in the body of the report, that he has publicly associated and sympathized with those advocating such a course. He admitted to the committee his persistent revolutionary character, his desire to see the establishment of the "dictatorship of the proletariat" in all lands, and his opinion that it would be better for this country if the soviet government were established here. It was also proved that he continued to employ in the staff of his embassy persons who have publicly and in his presence advocated the bringing of bolshevism to America and he admitted to the committee that "any means which would produce this condition would be justified."

All this leads the committee to the conclusion that Martens's activities here have been of a nature to render him more suitable for investigation and action by the Department of Justice than by the committee of the Senate.







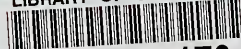
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